

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:16-CR-1975 WJ

MARC WREN,

Defendant.

MEMORANDUM OPINION AND ORDER
DENYING DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL

THIS MATTER IS BEFORE THE COURT on Defendant Marc Wren's *pro se* Motion for Appointment of Counsel (**Doc. 46**). The Court, having reviewed Defendant's pleading and considered the applicable law, finds that the Motion is not well-taken and is therefore **DENIED**.

BACKGROUND


In 2017, Defendant pleaded guilty to possession with intent to distribute methamphetamine and was sentenced to 87 months imprisonment. (Doc. 42.) Very recently, he filed a Motion for Compassionate Release (Doc. 44) which this Court denied, noting that Mr. Wren had not provided any evidence, or even pleaded, that he had exhausted his administrative remedies as required by 18 U.S.C. § 3582(c)(1)(A). (Doc. 45 at 2). That Order was filed on August 10, 2020. Defendant now files this Motion, seeking appointment of counsel. The Court notes that the instant Motion is post-marked August 10, 2020, which means it was likely mailed to the Court Clerk before Defendant had notice of the Court's previous Order.

In any case, as to Defendant's request for court-appointed counsel, "no right to appointment of counsel exists when pursuing relief under 18 U.S.C. § 3582(c)." *United States v. Olden*, 296 F.

App'x. 671, 674 (10th Cir. 2008). Defendant has ably, if unsuccessfully, presented his case to the Court. The appointment of counsel would make no difference here, as Defendant has no colorable basis for the relief sought, at least at this time. As explained in its Order Denying Defendant's Motion for Compassionate Release, the Court lacks authority to consider a defendant's request for compassionate release unless and until Defendant has demonstrated exhaustion of his administrative remedies. Defendant has not shown administrative exhaustion, and thus, whether on his own or through counsel, is not entitled to have this Court reach the merits of his compassionate release request.

Therefore, for the above-stated reasons, Defendant's *pro se* Motion for Appointment of Counsel (**Doc. 46**) is **DENIED**.

IT IS SO ORDERED.



CHIEF UNITED STATES DISTRICT JUDGE